

AMENDED IN SENATE JUNE 9, 2010
AMENDED IN ASSEMBLY APRIL 27, 2010
AMENDED IN ASSEMBLY APRIL 8, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2721

Introduced by Assembly Member Blakeslee

February 19, 2010

~~An act to amend Section 51228 of, and to repeal Article 1.7 (commencing with Section 52336) of Chapter 9 of Part 28 of Division 4 of Title 2 of, the Education Code, relating to career technical education. An act to add and repeal Section 56510 of the Education Code, relating to special education.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2721, as amended, Blakeslee. ~~Career technical education. Special education disputes: report.~~

Existing law establishes the right of individuals with exceptional needs to a free appropriate public education and ensures the right to special education and related services. Existing law requires that a pupil with exceptional needs be accommodated through the creation and implementation of an individualized education plan. Existing law establishes procedural safeguards under state and federal law to be established and maintained by agencies that provide education and related services to children who are individuals with exceptional needs, including procedural requirements for parties to special education disputes.

This bill would require the Superintendent of Public Instruction, in consultation with specified other entities, to prepare a report identifying

options for reducing administrative and legal costs borne by local educational agencies resulting from disputes and litigation over the adequacy and administration of individualized education plans. This bill would require the superintendent to submit an interim report to the Legislature by July 1, 2011, and a final report to the Legislature by December 1, 2011. The provisions of this bill would be repealed on December 1, 2015.

~~(1) Existing law authorizes any business, trade or professional association, union, or state or local governmental agency operating within this state to establish and operate, under the auspices of the local school district, a career preparatory program that meets specified requirements. An entity establishing and operating a program is required to develop and implement a course of instruction for all pupils enrolled in the program that satisfies the graduation requirements set forth in existing law that are applicable to grades 11 and 12. Existing law authorizes an entity establishing and operating a career preparatory program to propose and implement a program that is designed to provide on-the-job training and instruction in specific career technical skills to prepare pupils for future employment. Pupils who successfully complete all aspects of the program receive a certificate of completion that supplements a high school diploma.~~

~~This bill would repeal these provisions.~~

~~(2) Existing law defines a “multiple pathway program” as a multiyear, comprehensive high school program of integrated academic and technical study, as specified, that ensures that all pupils have curriculum choices that will prepare them for career entry and a full range of postsecondary options, and that is comprised of certain components relating to the integration of academics and career technical education. Existing law requires each school district maintaining any of grades 7 to 12, inclusive, to offer to all otherwise qualified pupils in those grades a course of study that fulfills the requirements and prerequisites for admission to the California public institutions of postsecondary education, and that provides an opportunity for those pupils to attain entry-level employment skills in business or industry upon graduation from high school.~~

~~This bill would encourage school districts to fulfill these requirements by developing industry-focused multiple pathway programs.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 56510 is added to the Education Code,*
2 *to read:*

3 56510. (a) *The Superintendent, in consultation with the*
4 *Secretary for Education, the state board, the Department of*
5 *Finance, each house of the California Legislature, local*
6 *educational agencies or their representatives, school counselors,*
7 *elementary and secondary education teachers, teachers of pupils*
8 *with special needs, representatives from special education local*
9 *plan areas, parents and advocates of pupils with special needs,*
10 *representatives of governing boards of local educational agencies,*
11 *and others deemed appropriate by the Superintendent, shall*
12 *prepare a report identifying options for reducing administrative*
13 *and legal costs borne by local educational agencies resulting from*
14 *disputes and litigation over the adequacy and administration of*
15 *individualized education plans. The report shall include all of the*
16 *following:*

17 (1) *The protections afforded to every pupil under state and*
18 *federal law that establish the right of individuals with exceptional*
19 *needs to a free appropriate public education, and the right to a*
20 *fair hearing when an individualized education plan provided by*
21 *the local educational agency is disputed by a pupil's representative.*

22 (2) *Regulations, policies, and practices that may reduce the*
23 *frequency of litigation, and the associated administrative and legal*
24 *costs borne by local educational agencies.*

25 (3) *The current cost and budgetary implications of special*
26 *education litigation borne by local educational agencies across*
27 *the state.*

28 (4) *Recommendations to improve the development, approval,*
29 *administration, and monitoring of individualized education plans*
30 *so that funding allocated to local educational agencies is spent*
31 *more efficiently on pupil education, and expenditures on*
32 *administrative and legal costs associated with resolving*
33 *individualized education plan disputes are reduced.*

34 (5) *Possible roles and responsibilities of other departments or*
35 *agencies to reduce the cost of litigation borne by local educational*
36 *agencies.*

37 (6) *Strategies for increasing the use and effectiveness of*
38 *alternative dispute resolution and other litigation alternatives.*

1 (b) The Superintendent shall use existing state resources and
2 federal funds to prepare the interim and final reports.

3 (c) The Superintendent shall submit an interim report to the
4 Legislature on the status of the final report and any preliminary
5 recommendations no later than July 1, 2011. The Superintendent
6 shall submit a final report with recommendations to the Legislature
7 and the Governor no later than December 1, 2011.

8 (d) (1) A report to be submitted pursuant to this section shall
9 be submitted in compliance with Section 9795 of the Government
10 Code.

11 (2) Pursuant to Section 10231.5 of the Government Code, this
12 section is repealed on December 1, 2015.

13 SECTION 1. Section 51228 of the Education Code is amended
14 to read:

15 51228. (a) ~~Each school district maintaining any of grades 7~~
16 ~~to 12, inclusive, shall offer to all otherwise qualified pupils in those~~
17 ~~grades a course of study fulfilling the requirements and~~
18 ~~prerequisites for admission to the California public institutions of~~
19 ~~postsecondary education and shall provide a timely opportunity~~
20 ~~to each of those pupils to enroll within a four-year period in each~~
21 ~~course necessary to fulfill those requirements and prerequisites~~
22 ~~prior to graduation from high school.~~

23 (b) ~~Each school district maintaining any of grades 7 to 12,~~
24 ~~inclusive, shall offer to all otherwise qualified pupils in those~~
25 ~~grades a course of study that provides an opportunity for those~~
26 ~~pupils to attain entry-level employment skills in business or~~
27 ~~industry upon graduation from high school. Districts are~~
28 ~~encouraged to provide all pupils with a rigorous academic~~
29 ~~curriculum that integrates academic and career skills, incorporates~~
30 ~~applied learning in all disciplines, and prepares all pupils for high~~
31 ~~school graduation and career entry.~~

32 (c) ~~School districts are encouraged to fulfill the requirements~~
33 ~~described in subdivisions (a) and (b) by developing~~
34 ~~industry-focused multiple pathway programs, such as those~~
35 ~~described in Section 52372.5.~~

36 (d) ~~A school district that adopts a required curriculum that meets~~
37 ~~or exceeds the model standards developed and adopted by the state~~
38 ~~board pursuant to Section 51226 shall be deemed to have fulfilled~~
39 ~~its responsibilities pursuant to subdivision (b).~~

1 ~~(e) A school district that adopts a required curriculum pursuant~~
2 ~~to subdivision (d) that meets or exceeds the model standards~~
3 ~~developed by the state board pursuant to Section 51226, or that~~
4 ~~adopts alternative means for pupils to complete the prescribed~~
5 ~~course of study pursuant to subdivision (b) of Section 51225.3,~~
6 ~~may substitute pupil demonstration of competence in the prescribed~~
7 ~~subjects through a practical demonstration of these skills in a~~
8 ~~regional occupational center or program, work experience,~~
9 ~~interdisciplinary study, independent study, credit earned at a~~
10 ~~postsecondary institution, or other outside school experience, as~~
11 ~~prescribed by Section 51225.3.~~

12 ~~SEC. 2. Article 1.7 (commencing with Section 52336) of~~
13 ~~Chapter 9 of Part 28 of Division 4 of Title 2 of the Education Code~~
14 ~~is repealed.~~